

REMARKS

A. The Election/Restriction Requirement

In the November 4, 2005 Office Action, restriction under 35 U.S.C. §121 and §372 is required to one of the six (6) groups of inventions :

Group I Claim(s) 1-9, 11-13, 18-20, 34-36, and 39-44, are drawn to a monoclonal antibody or binding fragment thereof, a hybridoma, a medicament comprising a monoclonal antibody or binding fragment thereof, a medicament or pharmaceutical composition comprising an antibody or binding fragment thereof conjugated to a cytotoxic or detectable moiety, and a method of removing myeloma cells from an isolated cellular sample.

Group II Claim(s) 10, is drawn to an anti-idiotypic antibody.

Group III Claim(s) 14-17, are drawn to an antigen, which is glycoprotein.

Group IV Claim(s) 29-33, are a method for inhibiting or killing myeloma cells in an isolated cellular sample.

Group V Claim(s) 37, is drawn to a method for detecting the presence and extent of ovarian cancer in a patient comprising determining the level of an antigen in a sample of bodily fluid; and

Group IV Claim (s) 38, is drawn to a method for monitoring the effectiveness of therapy for ovarian cancer comprising determining the level of an antigen in a sample of bodily fluid.

Applicant traverses the requirement for restriction, especially the Examiner's decision to place claims 37 and 38 into two separate groups when in fact both inventions, as described by the Examiner, relate to "determining the level of an antigen in a sample of bodily fluid acquired from the patient and correlating the level of the antigen with the presence and extent of ovarian cancer in the patient." The difference between these two groups is whether the determination is done to detect the presence and extent of ovarian cancer or for monitoring the effectiveness of therapy. Both claims rely on detecting the level of the antigen of claim 16.

Since a search of one group will require a search of the other and since the difference between claims 37 and 38 concerns when a determination is made, applicant respectfully requests that these groups be rejoined and examined together. The MPEP states "If the search and examination of an entire application can be made **without serious burden**, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." See MPEP §803 (emphasis added).

In response to the invention election requirement, applicant hereby elects to prosecute the invention of Group 5 corresponding to claim 37.

AUTHORIZATION

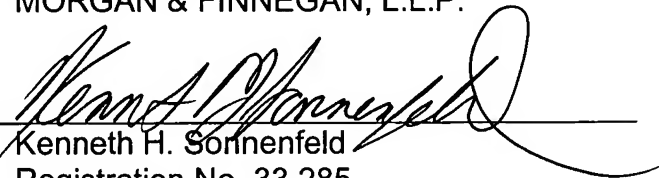
The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this paper to Deposit Account No. 13-4500, Order No. 3828-4000 US2. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 3828-4000US2. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
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Dated: May 4, 2006

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